IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

TRUST PETITION NO.4 OF 2006

Pratibha Dilip Karnad ..Petitioner

Mr.K.R.Tiwari for the petitioner

CORAM : S.A.BOBDE, J.

DATE : 31ST JANUARY, 2007

P.C.

1. This is a petition under Section 74 of the Indian Trust Act for appointment of the petitioner Pratibha Dilip Karnad as a managing trustee in the private family trust Shivram Vishnu Tembulkar and Mr.Alhad D. Tembulkar as trustee of the family trust.

2. The trust in question is a private family trust which was settled by Mr.Shivram Vishnu Tembulkar on 22nd November, 1957 by a registered trust deed. The first trustees were Smt.Manorama Shivram Tembulkar and Mr.Dinanath Shivram

Tembulkar.

3. On 19th June, 2003 Shivram Vishnu Tembulkar died. The last trustee Dinanath Vishnu Tembulkar died on 17th April, 1986 without appointing another trustee. Since then there is no trustee in respect of the trust. In the original deed the names of these three beneficiaries at Sr.Nos.1, 2 and 4 namely Mrs.Manoramabai Shivram Tembulkar, Shree Dinanath Shivram Tembulkar and Mrs.Snehlata Sonoo Naik have expired. The beneficiaries at Sr.Nos.3, 5 and 6 namely Mrs.Snehlata Laxman Sarampalkar, Mrs.Sarojini Janardhan Rumde and Miss Jayanti Shivram Tembulkar are alive. They are the daughters of the original settler. Mrs.Snehlata, Mrs.Sarojini and Miss Jayanti have submitted their consent which are at page Nos.28, 29 and 30. They have stated they have made a request to this Court to appoint the petitioner Pratibha Dilip Karnad and Alhad D. Tembulkar as a managing trustee and trustee of the aforesaid S.V.Tembulkar family

trust. They have stated that they have given consent to sell the property. However, this order does not decide whether the property can be sold or not. This order is restricted to the appointment of trustee. In the circumstances, the three daughters aforenamed who are the beneficiaries of the settler have requested for the appointment of the petitioner who are grand daughters of the deceased settler. Having regard to the circumstances of the case, I am of the view that the appointment of the petitioner will promote execution of the trust and will be in the interest of all the beneficiaries. Hence, the petition is allowed in terms of prayer clause (a) which reads as follows :-

> (a) That Hon'ble Court be pleased to appoint the Petitioner and Mr.Alhad Dinanath Tembulkar as Managing trustees and trustees respectively of the Shivram Vishnu Tembulkar Family Trust.

(S.A.BOBDE, J.)